

CHAPTER 1

INTRODUCTION

Terms of reference

1.1 On 5 October 2005 the Senate agreed to the following motion:

- (1) That the Senate:
 - (a) notes that despite the efforts of communities and governments, the problem of petrol sniffing remains widespread and endemic in remote Aboriginal communities;
 - (b) recognises the efforts of local communities and work underway between the Federal, Northern Territory, Western Australia and South Australian Governments to work in collaboration to implement a comprehensive strategy to tackle petrol sniffing;
 - (c) notes that an additional \$6 million over 2 years has recently been announced by the Government to expand the roll out of Opal petrol in the central desert region and that total expenditure for Opal subsidies is \$19.6 million over 4 years;
 - (d) notes that the Government is considering a limited supply of Opal petrol in Alice Springs for residents of affected Indigenous communities and for people visiting those communities;
 - (e) calls on the Government, should it proceed with the limited supply of Opal petrol in Alice Springs, to work with petrol retailers and communities to develop a code of practice and an education strategy in relation to responsible trading; and
 - (f) notes that supply of non-sniffable Opal petrol can only be one part of the solution to petrol sniffing.
- (2) That the following matters be referred to the Community Affairs References Committee for inquiry and report by 9 November 2005:
 - (a) the effectiveness of existing laws and policing with respect to petrol sniffing in affected Indigenous communities;
 - (b) the effectiveness of diversionary initiatives and community level activities; and
 - (c) lessons that can be learned from the success some communities have had in reducing petrol sniffing including the impact of non-sniffable Opal petrol.

1.2 The reporting date for the inquiry was subsequently extended to 20 June 2006 to allow the Committee to hear evidence from the many parties interested in this

inquiry and to visit Aboriginal communities and because of the workload imposed on the Committee by competing priorities of other inquiries being conducted concurrently.

Conduct of the inquiry

1.3 The inquiry was advertised regularly in the Senate Committee Activities section in *The Australian* and on the Internet. The Committee invited submissions from the Commonwealth and State and Territory Governments and a range of other interested organisations and individuals. The Committee accepted submissions throughout the course of the inquiry and received 44 public submissions. A list of individuals and organisations who made a public submission or provided other information that was authorised for publication by the Committee is at Appendix 1.

1.4 The Committee heard evidence in public at Perth on 20 February; Darwin on 21 February; Alice Springs on 22 February; Cairns on 8 March; Canberra on 27 April and Adelaide on 16 May 2006. The Committee visited Aboriginal communities at Yuendumu on 23 February including the Mt Theo outstation, Northern Territory; Mornington Island, Queensland on 7 March; and Balgo and Halls Creek in Western Australia on 18 May 2006. The Committee also visited the Menzies School of Health Research and the Cooperative Research Centre for Aboriginal Health in Darwin on 17 May 2006. A list of the witnesses who appeared at public hearings and details of the Committee's visits and inspections is at Appendix 2.

1.5 A number of Senators also held private discussions with a range of people including medical staff and emergency health workers at local hospitals, and principals and staff at schools whilst in Darwin, Alice Springs and Cairns.

Acknowledgments

1.6 The Committee would like to thank the many people who were involved in arranging its visits and inspections, who assisted the Committee during its visits and especially the community members who came to speak with the Committee. While all these people are too numerous to list individually, the Committee would like to particularly thank Susie Low and the staff and workers from the Mt Theo-Yuendumu Substance Misuse Aboriginal Corporation; Peggy Brown and Johnny Miller at Mt Theo; Blair McFarland and Tristan Ray from CAYLUS; Graeme Channells and Clare Farrell from the Mornington Island Shire Council and the members of the Petrol Sniffing Steering Committee; Noel Mason, Fr Matt Digges, Chris Cresp and all the community in Balgo and Peter McConnell at Halls Creek. These visits provided the Committee with valuable insight into the impact of petrol sniffing on communities and the positive developments that have been occurring within some communities.

1.7 The Committee would also like to thank and acknowledge Br Bernie Cooper, the staff and students at the Luurnpa Catholic School in Balgo who provided the Committee with comments on the impact of petrol sniffing from the perspective of the schoolchildren, some of which are reproduced at the front of the report.

1.8 The Committee would also like to thank Donovan Walmbeng from the Arukun Community Justice Group, Qld and Dennis Colson from the Turkey Bore Community, SA who travelled long distances to put a viewpoint from their community before the Committee.

1.9 The Committee would also like to thank Mick Gooda, Sheree Cairney and the staff of the Menzies School of Health Research and Cooperative Research Centre for Aboriginal Health for arranging and participating in discussions on research into the effects of petrol sniffing and other research being undertaken on Aboriginal health.

1.10 The Committee's thanks are also extended to Mark Glazebrook and the team at BP who enabled the Committee to visit the BP refinery at Kwinana, WA, to observe where and how Opal fuel is produced.

Office of Indigenous Policy Coordination

1.11 On 24 January 2006, changes to the administrative arrangements were announced with the Office of Indigenous Policy Coordination (OIPC) being transferred to become part of the enlarged Families, Community Services and Indigenous Affairs (FaCSIA) portfolio. The Commonwealth's submission to the Committee was provided while OIPC was part of the Department of Immigration and Multicultural and Indigenous Affairs (DIMIA) and hence references made in the report to the Commonwealth's submission are to the joint submission from DIMIA and the Department of Health and Ageing.

Background to the inquiry

1.12 The sniffing of petrol has occurred in northern Australia since the early 1950s.¹ Between 1981 and 1991, 60 Aboriginal men and three women died from petrol sniffing. Since 1991, deaths have continued with the South Australian, Western Australian and Northern Territory Coroners regularly reporting on deaths from volatile substance abuse.

1.13 Petrol sniffing was debated in the Senate as a matter of urgency on 16 August 2005. Many Senators commented on their first hand experience of the devastation inflicted by the abuse of petrol: the health impacts including brain injury; the social impacts such as violence, violent crime and the breakdown of community structures; and ultimately, the deaths of young Aboriginal people. Senators also pointed to the large number of inquires which have made recommendations to address this problem and the government programs which have been implemented to assist communities with youth who sniff petrol. Unfortunately, petrol sniffing persists as a problem with an estimated 600 Aboriginal people in the Central Desert region of the Northern Territory sniffing regularly.

1 A history of petrol sniffing was provided by Dr Maggie Brady, see *Committee Hansard* 27.4.06, pp.11-12 (Dr M Brady).

Recent reports with reference to petrol sniffing and substance abuse

1.14 Since the mid 1980s, many inquiries into or involving petrol sniffing and substance abuse have been undertaken in a number of Australian jurisdictions. The following sections provide an overview of these inquiries and their recommendations.

Parliamentary inquiries

Senate Select Committee on Volatile Substance Fumes

1.15 The Senate Select Committee on Volatile Substance Fumes reported in December 1985.² The Select Committee travelled extensively in the Northern Territory and held discussions with Indigenous communities in South Australia.

1.16 The Select Committee reported that petrol sniffing was identified following the establishment of military bases in Arnhem Land during World War II. In 1983 information from the Department of Aboriginal Affairs indicated that Australia-wide, an average of nine per cent of communities (69 communities) had reported having a problem with petrol sniffing.³ Evidence indicated that about 2000 children were sniffing petrol in the central reserves area and the Northern Territory, approximately 10 per cent of all Aboriginal children living in those areas.⁴

1.17 The Select Committee identified three broad reasons for concern about petrol sniffing by youth in remote Aboriginal communities:

- the severe physical and psychological effects of those involved;
- the combined consequential social effects threaten, in some communities, to destroy an already fragile social system; and
- the extent of the problem.

1.18 While a wide range of causes for petrol sniffing were offered by witnesses, the Select Committee was unable to get a clear indication as to why Aboriginal children sniffed petrol. Direct causes identified included 'for fun', boredom and peer pressure. Witnesses also argued that sniffing was one of many symptoms of the broader social problems experienced by Aboriginal people: impoverished socio-economic conditions; loss of tradition and direction; conflict in community relations; family dysfunction; parental neglect; and inadequacies of the education system.⁵

1.19 Measures aimed at stopping petrol sniffing ranged from preventing petrol being obtained and misused, such as locking bowsers, to punishment of abusers and

2 Senate Select Committee on Volatile Substance Fumes, *Volatile Substance Abuse in Australia*, Canberra, 1985.

3 Senate Select Committee on Volatile Substance Fumes, p.151.

4 Senate Select Committee on Volatile Substance Fumes, p.156.

5 Senate Select Committee on Volatile Substance Fumes, p.163.

funding of specific programs for petrol sniffers. The Select Committee stated that nowhere did it find complete success in eradicating sniffing although many attempts had been made by communities and by individuals. It did, however, identify the elements that appeared to be necessary for success:

- strong leadership;
- total community commitment;
- persistence in attempts to find a solution;
- mobilisation of community resources; and
- provision of an alternative which is viewed by would-be sniffers as a better activity or lifestyle to pursue.⁶

1.20 The Select Committee concluded that the act of petrol sniffing should not be made a criminal offence and recommended that no legislative action be taken to create such an offence. Other conclusions and recommendations included:

- that State Governments implement enabling legislation to control the supply of petrol to minors who intend to sniff it and to criminalise the action by non-minors of inciting minors to sniff petrol;
- that actions in response to petrol sniffing should originate from and be controlled by the Aboriginal people in each affected community and recommended that the Department of Aboriginal Affairs fund an appropriate Aboriginal agency to prepare a resource handbook which outlined possible actions that communities could take;
- that the homelands movement and outstations be encouraged and supported;
- that the family group is the fundamental and most effective unit for dealing with the problems of petrol sniffing;
- that programs created to prevent or reduce petrol sniffing should be based on the involvement of all youth in both recreational and educative activities; and
- there was a need for data and further research and recommended that the Department of Aboriginal Affairs collect and collate data on petrol sniffing and that research institutes consider sponsoring sociological research on the areas identified by the Committee.⁷

Victorian Drugs and Crime Prevention Committee

1.21 In September 2002, the Drugs and Crime Prevention Committee of the Victorian Parliament tabled its report on the inhalation of volatile substances.⁸ The

6 Senate Select Committee on Volatile Substance Fumes, p.237.

7 Senate Select Committee on Volatile Substance Fumes, pp.237-41.

8 Parliament of Victoria, Drugs and Crime Prevention Committee, *Inquiry into the Inhalation of Volatile Substances Final Report*, Melbourne, September 2002.

report covered a range of substance abuse issues across Victoria including inhalant abuse in urban and rural Indigenous communities. The Committee stated that chroming is a far more prevalent form of substance abuse in Victoria, including among Indigenous Victorians, than petrol sniffing. However, it stated that this may be 'an erroneous assumption'.⁹

1.22 The Victorian Committee commented that in addressing petrol sniffing and other types of volatile substance abuse, any initiatives or strategies devised must be culturally appropriate and sensitive to the needs of the target population. The Committee endorsed the concept of measures such as healing centres which focus on addressing all the needs of the young person – physical, social and spiritual. This comment was reinforced by the Committee's visit to Maori healing places in New Zealand and by the outstation movement in Australia.

1.23 The Victorian Committee also identified the importance of community decision-making in Indigenous communities to combat substance abuse. The Committee pointed to the success of the Mt Theo program and the high level of support it receives from both the Indigenous and non-Indigenous people in the area. The need for information, resources and support was also raised.¹⁰ The report also discussed legal sanctions or regulation of inhalant abuse.¹¹

1.24 The Victorian Committee made four recommendations specifically directed to Indigenous communities:

- that specific culturally appropriate training and resources on solvent abuse issues be provided to Indigenous alcohol and drug workers;
- that Indigenous specific holistic healing centres be funded to adequately cater for the specific cultural needs of Indigenous communities with regard to substance abuse issues;
- the urgent establishment of a holistic healing centre that specifically addresses the needs of, and is established for, Indigenous young people; and
- the development and funding of Aboriginal and Torres Strait Islander specific leisure facilities, including youth, sport and recreational clubs and programs, be extended in order to provide structured activities that will engage young people, enhance their self-esteem, promote Indigenous culture and tradition and develop a sense of community.¹²

9 Drugs and Crime Prevention Committee, p.137.

10 Drugs and Crime Prevention Committee, pp.434-41.

11 Drugs and Crime Prevention Committee, pp.171-266.

12 Drugs and Crime Prevention Committee, p.xiii.

House of Representatives Standing Committee on Family and Community Affairs

1.25 The House of Representatives Standing Committee on Family and Community Affairs tabled its report, *Road to recovery* in August 2003.¹³ The report addressed substance abuse in Australian communities including Indigenous communities. The Standing Committee recognised that Indigenous-controlled organisations are better placed than mainstream services in some localities to maximise the reach of alcohol and drug programs. The Committee recommended that governments continue to support and expand substance misuse programs that assist Indigenous planning processes to best achieve their objectives in delivering acceptable forms of treatment.¹⁴

1.26 The Standing Committee also recommended that information on Indigenous needs for alcohol and other drug services be collected and that governments institute programs to combat increasing illicit drug use by Indigenous people and provide improved training to Indigenous drug and alcohol workers.¹⁵

Senate Legal and Constitutional References Committee

1.27 The 2003 Senate Legal and Constitutional References Committee report on reconciliation, *Reconciliation: Off track*, used petrol sniffing in the Anangu Pitjantjatjara Lands in South Australia as a case study.¹⁶ The Committee commented that 'experiences in addressing this issue [petrol sniffing] illustrate some of the problems of a lack of coordination between and within governments and of the need for monitoring the performance of programs designed to address the problem'.¹⁷ The Committee also noted that a study in 2002 by S MacLean and P d'Abbs had found that interventions that have been used to address petrol sniffing in Aboriginal communities are 'rarely evaluated and as a result the opportunity is lost to accumulate a body of shared knowledge about the effectiveness of preventative measures and treatment'.¹⁸

1.28 The Committee recognised the complexity of the problem of petrol sniffing and its consequences, but stated that it is 'nevertheless concerned that progress is slow,

13 House of Representatives Standing Committee on Family and Community Affairs, *Road to recovery: Report on the inquiry into substance abuse in Australian communities*, Canberra, August 2003.

14 House of Representatives Standing Committee on Family and Community Affairs, pp.81-84.

15 House of Representatives Standing Committee on Family and Community Affairs, pp.84-86.

16 Senate Legal and Constitutional References Committee, *Reconciliation: Off track*, Canberra, October 2003.

17 Senate Legal and Constitutional References Committee, p.64.

18 Senate Legal and Constitutional References Committee, p.66, citing MacLean SJ & d'Abbs PHN, 'Petrol sniffing in Aboriginal communities: a review of interventions', *Drug and Alcohol Review*, 2002, 21, pp.65-72.

and considers that every possible avenue to find solutions should be explored. This is a very serious issue which the Committee would like to revisit in the future'.¹⁹

House of Representatives Committee on Aboriginal and Torres Strait Islander Affairs

1.29 In June 2004, the House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs reported on its inquiry into capacity building in Indigenous communities.²⁰ The report commented that the Committee did not seek specific evidence on strategies to address alcohol and substance misuse and their effects on the capacities of Indigenous communities. However, it noted the extent of abuse and concluded that abuse 'is such an important issue that the Government should refer to the Committee the issue of alcohol and substance misuse in Indigenous communities for inquiry and report'.²¹

1.30 Key recommendations focussing on building capacity included:

- establishment of an agreement with Commonwealth and State and Territory Governments on the collection of uniform data in relation to Indigenous Australians;
- implementing a range of new reporting measures to monitor improvements to service delivery in Indigenous communities;
- promoting consultation between all levels of government and Indigenous representatives to clarify program and service delivery roles, responsibilities and issues in costings;
- establishing pooled funding models to better coordinate and integrate service delivery to Indigenous communities; and
- developing and investing in training and mentoring programs in partnership with Indigenous people, and encouraging exchanges between the private/corporate sector and Indigenous groups.²²

1.31 At the time of this report, the Government had not responded to the Standing Committee's report.

Northern Territory Select Committee on Substance Abuse in the Community

1.32 The Legislative Assembly of the Northern Territory Select Committee reported on its inquiry into petrol sniffing in remote Northern Territory communities

19 Senate Legal and Constitutional References Committee, p.66.

20 House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, *Many Ways Forward: Report of the inquiry into capacity building and service delivery in Indigenous communities*, Canberra, June 2004.

21 Standing Committee on Aboriginal and Torres Strait Islander Affairs, p.223.

22 Standing Committee on Aboriginal and Torres Strait Islander Affairs, pp.xxvii-xxxi.

in October 2004.²³ The Committee identified major contributing factors which indicate a propensity for petrol sniffing as socioeconomic: poverty, boredom, oppression, lack of services and facilities; parental drinking and gambling leading to hunger and neglect; and poor education levels and lack of employment and aspirational opportunities. The Committee noted that the 'conservative' cost of full time institutional care for a person who is mentally debilitated through sniffing is \$160 000 per annum if the care is provided in an urban centre. The cost more than doubles for providing care in remote communities.²⁴

1.33 The Committee looked at eight broad areas for addressing petrol sniffing:

- *A whole of Government approach* to ensure that all services delivery is networked to ensure it is coordinated, the services comply with the program parameters and that those delivering it are accountable for its outcomes and recommended:

...that Federal and Northern Territory Government services be closely networked to ensure their respective petrol sniffing programs and services are co-ordinated, including cross-border co-ordination between the Northern Territory, Western Australian and South Australian Governments' programs and services, in line with the cross-border cooperation model adopted by Police.²⁵

The Committee also recommended the establishment of an agency responsible for the coordination of the Northern Territory's petrol sniffing strategy;

- *Meeting the needs of individual communities* by establishing and training culturally responsive teams, on a regional basis;
- *Immediate and longer-term harm reduction, intervention and treatment* including legislation to allow a person under the influence of petrol to be taken into protective custody without arrest and 'safe' houses or refuges be established in communities;
- *Education, skills and training* in substance abuse work be provided to community members with specific training in dealing with petrol sniffing;
- *Ancillary community programs* to overcome boredom and lack of opportunity including a review of the Community Development Employment Projects (CDEP) Program with a view to providing full, gainful employment on communities and the delivery of sporting and recreational programs in remote communities geared to the needs of the client;

23 Legislative Assembly of the Northern Territory, Select Committee on Substance Abuse in the Community, *Petrol Sniffing in Remote Northern Territory Communities*, Darwin, October 2004.

24 Select Committee on Substance Abuse in the Community, p.23.

25 Select Committee on Substance Abuse in the Community, p.24.

- *The need for comprehensive data collection* to record where petrol sniffing is a contributing factor, for example morbidity and mortality data;
- *Drug education* through the development of an integrated program of advertising and education about the effects of petrol sniffing for remote communities; and
- *Cooperative approach with industry* to explore diversionary and lifestyle programs, the development of fuels which are not intoxicants and the feasibility of the expansion of alternative fuel provision to areas outside of communities be investigated.²⁶

1.34 Following release of the report, the Northern Territory Government announced a package of measures to tackle volatile substance misuse. Central elements of this package are the new *Volatile Substance Abuse Protection Act 2005* and an additional \$10 million over five years for programs to support the Act.²⁷

Royal Commission into Aboriginal Deaths in Custody

1.35 The 1991 Royal Commission into Aboriginal Deaths in Custody commented on petrol sniffing and noted that while there are a relatively small number of Aboriginal young people engaged in petrol sniffing, this behaviour has a massive, destructive impact on the community and 'in fact, it can dominate many aspects of community life, leaving Aboriginal people with an increased sense of powerlessness'.²⁸ The Royal Commission noted that petrol sniffing has a severe impact on health and education with the effect on education so serious that 'educators have argued that whole generations of youth have been rendered unsuitable for formal school education by the activity and the youth culture that surrounds petrol sniffing'.²⁹

1.36 The Royal Commission made recommendations to lessen the extent of petrol sniffing through programs and strategies for youth and improvement to mental health services. The Royal Commission also recommended:

That the Commonwealth Government, in conjunction with the States and Territories Governments and non-government agencies, act to co-ordinate more effectively the policies, resources and programs in the area of petrol sniffing.³⁰

1.37 The Royal Commission recommended that the Aboriginal and Torres Strait Islander Commission (ATSIC) be given responsibility to monitor and report on the progress of implementation across government departments. ATSIC responded by

26 Select Committee on Substance Abuse in the Community, pp.23-28.

27 *Submission 22*, p.1 (Northern Territory Government).

28 Australia, Royal Commission into Aboriginal Deaths in Custody, 1998, Vol 2, para 15.3.2.1.

29 Royal Commission into Aboriginal Deaths in Custody, Vol 2, para. 15.3.8.

30 Royal Commission into Aboriginal Deaths in Custody, Vol.4, para 32.4.13.

establishing a Royal Commission Government Response Monitoring Unit which tabled annual reports in Parliament on the implementation process. Reports were released from 1992–93 to 1996–97.

1.38 In July 1991, the Commonwealth and State and Territory Governments agreed to develop a national response to the recommendations in consultation with Indigenous communities. At a meeting of the Council for Aboriginal and Torres Strait Islander Affairs in 1992, the introduction of annual jurisdictional reporting was agreed. Reports were delivered to the Commonwealth by the majority of jurisdictions until the mid nineties, whilst the NSW Government last reported in 1999 and the Victorian Government reported most recently in 2005. Federal funding in response to the Royal Commission ceased in 1997.

Gordon Inquiry in Western Australia

1.39 In 2002, the Inquiry into the Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities (Gordon Inquiry) reported on its examination of how Western Australian State Government agencies respond to evidence of family violence and child sexual abuse that may be occurring in Aboriginal communities.³¹ The Inquiry considered current research into the prevalence, causes and solutions to Aboriginal family violence; consulted widely including with representatives of Aboriginal communities, youth, health services and related organisations; and made recommendations on practical solutions for addressing incidents of sexual abuse in Aboriginal communities, including legislative and administrative measures.

1.40 The Inquiry was prompted by the coronial inquest into the death of 15 year old Susan Taylor at the Swan Valley Nyoongar Community in Lockridge in 1999. In his findings, the Coroner noted that young people who are involved in paint and solvent abuse are vulnerable and likely to become victims of sexual abuse and that they are also likely to live a high risk lifestyle which places them in danger of contracting a number of disease and infections.³²

1.41 The Inquiry heard that volatile substance abuse was prevalent in Aboriginal communities and many submissions to the Inquiry made a link between drugs, alcohol and substance abuse including glue, paint and petrol, and family violence and child abuse in Aboriginal communities.³³ However, this had 'failed to attract any effective intervention strategies'. The Inquiry supported the Western Australia Department of Health's intention to develop a Volatile Substance Abuse Action Plan (VSAAP) and

31 Gordon S, *Putting the picture together: Inquiry into Response by Government Agencies to Complaints of Family Violence and Child Abuse in Aboriginal Communities*, (Gordon Inquiry), State Law Publisher, Perth, 2002.

32 Coroner Alastair Hope, *Inquest into the death of Susan Ann Taylor, Coroner's Report*, Ref No: 30/31, Perth, WA.

33 Gordon Inquiry, p.67.

recommended that the VSAAP adopt a comprehensive approach to the development of strategies that include treatment initiatives to address volatile substance abuse in Aboriginal communities.³⁴

Coronial inquiries

South Australia 2002 and 2005

1.42 In September 2002, the South Australian Coroner brought down his findings in the inquest into the deaths of Kunmanara Ken (who died in August 1999), Kunmanara Hunt (who died in January 2001) and Kunmanara Thompson (who died in June 2001).³⁵ Each of these young Anangu men was a long-term chronic petrol sniffer living in the Anangu Pitjantjatjara Lands (AP Lands) and all died as a result of inhalation of petrol fumes.

1.43 Coroner Wayne Chivell found that:

Petrol sniffing is endemic on the Anangu Pitjantjatjara Lands. It has caused and continues to cause devastating harm to the community, including approximately 35 deaths in the last 20 years in a population of between 2,000 and 2,500. Serious disability, crime, cultural breakdown and general grief and misery are also consequences.³⁶

1.44 The Coroner identified socioeconomic factors such as hunger, poverty, illness, low education levels, almost total unemployment, boredom and general feelings of hopelessness as forming the environment in which such self-destructive behaviour took place. He commented:

That such conditions should exist among a group of people defined by race in the 21st century in a developed nation like Australia is a disgrace and should shame us all.³⁷

1.45 During the Inquest a range of intervention strategies to combat petrol sniffing were analysed. The Coroner noted that clearly a successful strategy must have community support and indicated that three levels of strategies were called for:

- Primary interventions – to reduce recruitment into substance abuse;
- Secondary interventions – seeking to achieve abstinence and rehabilitation; and
- Tertiary interventions – providing services to the permanently disabled.³⁸

34 Gordon Inquiry, p.108.

35 Coroner Wayne Chivell, *Finding of Inquest into the Death of Kunmanara Ken*, Umuwa, SA, 2002.

36 Coroner Wayne Chivell, 2002, Executive Summary, para 5.

37 Coroner Wayne Chivell, 2002, Executive Summary, para 9.

38 Coroner Wayne Chivell, 2002, Executive Summary, para 16.

1.46 Strategies identified included youth activities through the provision of youth workers; outstations/homelands; provision of Avgas; legal sanctions; night patrols; programs for 'children at risk'; secure care facilities; crime prevention strategies and policing. The Coroner commented that 'the implementation of any one of those strategies by itself is likely to fail, but introduction in combination with a variety of others will give a better chance of success'.³⁹

1.47 The Coroner noted that many attempts over the years to combat petrol sniffing have been unsuccessful and 'what is missing is prompt, forthright, properly planned, properly funded action'. The inquest analysed a variety of intervention strategies and noted that a number of strategies in combination will give a better chance of success as well as needing broad community support. The Coroner stated:

The implementation of these strategies will doubtless involve difficult problems such as recruitment and retention of suitable staff. Creative solutions will need to be found. Anangu cannot be expected to find all of the human and other resources to tackle their problems. They need the assistance and input of non-Anangu professional people to tackle these problems directly and to give them the power and skills to take up the task in due course.⁴⁰

1.48 Mr Chivell's findings and recommendations included that Governments address the socio-economic factors which contribute to petrol sniffing; further research and evaluation of people who have sniffed petrol to assess their suitability for rehabilitation should be undertaken; establishment of secure care facilities for detention, detoxification, treatment and rehabilitation; the continued support of the Avgas initiative through the Comgas Scheme; and for the establishment of an effective police presence.⁴¹

1.49 In March 2005, the Coroner, Mr Chivell, made his findings into the deaths of four men from the AP Lands who had died in 2003 and 2004.⁴² All had been long-term petrol sniffers with three dying by hanging and one from exposure. The Coroner commented that petrol sniffing was one of the factors which had contributed to the marked increase in suicidal and self-harming behaviour on AP Lands since March 2004. Other factors included substance abuse (petrol, alcohol, cannabis and other drugs), interpersonal violence (including domestic and sexual violence), family conflict, mental illness, and motor vehicle accidents as well as continued socio-economic factors.⁴³

39 Coroner Wayne Chivell, 2002, Executive Summary, para 18.

40 Coroner Wayne Chivell, 2002, Executive Summary, para 20.

41 Coroner Wayne Chivell, 2002, paras 13.1-13.2.

42 Coroner Wayne Chivell, *Finding of Inquest into the Deaths of Kunmanara Ward, Kunmanara Ken, Kunmanara Ryan and Kunmanara Cooper*, Umuwa, SA, 2005.

43 Coroner Wayne Chivell, 2005, Executive Summary, paras 18-19.

1.50 Mr Chivell evaluated the development of programs to prevent petrol sniffing since 2002 and commented on the ad hoc and unplanned way in which youth worker programs had been implemented; the implementation of a new Department of Correctional Services service model for the AP Lands; planning for a secure care facility; limited development of crime prevention strategies due to lack of police resources; and poor provision of disability services.⁴⁴ The Coroner stated that the provision of disability services:

...represents another example of Government agencies embarking on poorly-planned enterprises without learning from the failures of the past. In particular, it cannot be expected that Anangu can deliver relatively sophisticated services to severely disabled people without proper training, supervision and support, at least until they acquire the necessary skills and experience to maintain the level of service required.⁴⁵

1.51 Mr Chivell welcomed the development of Opal but noted that 'it should not be seen as the panacea for petrol sniffing'. The Coroner noted that action will be required to prevent the development of a black market in sniffable petrol and to develop adequate security measures to prevent theft of the new Avgas, which is sniffable once it becomes unleaded.⁴⁶

1.52 The Coroner drew attention to the recommendations he had made in 2002 and noted that since the 2002 findings, the problem of petrol sniffing has become worse, not better and concluded that:

Detailed planning has been done, and substantial funding has been committed. However, with the exception of SAPOL [South Australian Police] and the Department of Correctional Services, most of the necessary remedial action had yet to be implemented.⁴⁷

Northern Territory 1998 and 2005

1.53 Coroner Warren Donald reported his findings into the death of Esky Muller from the Mimili Community at Ilpurla in 1998.⁴⁸ Mr Donald noted that there was a lack of data on petrol-related deaths and the reasons why a person engages in sniffing are diverse. However, the Coroner pointed to the abuse of petrol as being 'cultish' particularly in Indigenous communities where there are limited job opportunities, few youth workers and limited entertainment or recreational activities.

1.54 The Coroner noted that there had been attempts over the years to address the problem but stated that 'these attempts have been fragmented as between governments

44 Coroner Wayne Chivell, 2005, Executive Summary, paras 28-40.

45 Coroner Wayne Chivell, 2005, Executive Summary, para 41.

46 Coroner Wayne Chivell, 2005, Executive Summary, para 32.

47 Coroner Wayne Chivell, 2005, para 13.3.

48 Coroner Warren Donald, *Summary of Findings*, September 1998, A82/94.

and government and non-government agencies'. In addition, 'it is just not realistic to expect a small community in the deserts of Central Australia to come up with solutions for this complex problem and also to expect that they will be able to implement corrective measures'.

1.55 The Coroner recommended:

- that steps be taken to ensure that all death certificates and autopsy reports reflect any connection of a death with the abuse of petrol or other inhalant;
- that a consultative body be established to investigate means to better prevent inhalant abuse, to recommend treatment and rehabilitation options and to consider legislative change to better assist law enforcement officers;
- the establishment of facilities for safe detoxification and/or rehabilitation;
- the continuation of outstations for rehabilitation or respite;
- that the Northern Territory Health Service provide ongoing care for petrol sniffers;
- that, in consultation with the Commonwealth, the Northern Territory, South Australian and Western Australian Governments develop a tripartite strategy to address petrol sniffing; and
- that the Commonwealth establish and fund rehabilitation facilities for chronic petrol sniffers in Alice Springs.

1.56 In October 2005, the Northern Territory Coroner, Mr Greg Cavanagh reported his findings into the deaths of three Aboriginal men at Willowra and Mutitjulu from petrol sniffing.⁴⁹ In reaching his findings after only four days of evidence, the Coroner commented that 'the relative brevity is explained by the fact that the problems leading to the deaths are manifest, well known and well researched'.⁵⁰

1.57 Mr Cavanagh noted that the problems within communities are 'immediate, stark and urgent'. He further commented that:

When indigenous disadvantage and cultural confusion are added together with, (a) the lack of physical and human resources as described, (b) the complete breakdown of community governance and discipline, (c) decades of community petrol sniffing abuse which is (now) cross generational, in my view, it is simplistic in the extreme to suggest that the answer to the problems of petrol sniffing is for the addicts and their communities to help themselves. That is to say, the horrors of present day Mutitjulu (and other remote communities) are not sensibly addressed by peddling the myth that

49 Coroner Greg Cavanagh, *Inquest into the deaths of Kumanjay Presley, Kunmanara Coulthard and Kunmanara Brumby*, Alice Springs, 2005, NTMC 034.

50 Coroner Greg Cavanagh, 2005, para 14, p.7.

such disadvantaged citizens might simply help themselves and solve the problem. They and their families are not able to do so by themselves.⁵¹

1.58 The roll out of Opal fuel across the entire Central Desert region was strongly supported by those who appeared at the inquest. One witness stated that there were economic, moral and national interest arguments in favour of providing unsniffable fuel throughout the Central Desert regions. The witness estimated that the cost of the roll out would be about \$8 million per annum while the costs of doing nothing would include health costs of maintaining an ex-sniffer with brain injury at about \$200 000 per year.⁵² The Coroner concluded:

Although I do not hold Opal Fuel up as a panacea, the evidence is there that comprehensive coverage of the region with unsniffable fuel is an available strategy which will substantially reduce petrol sniffing and its associated harms.⁵³

1.59 The Coroner recommended that:

- the Commonwealth and Northern Territory Governments closely examine, consider and adopt (where applicable) the recommendations made by the South Australian Coroner, Mr Wayne Chivell, in 2002;
- the Northern Territory Government ensure that suitably qualified youth workers be recruited and located in remote Aboriginal communities;
- the Commonwealth support the universal roll out of Opal fuel across the entire Central Desert region;
- the Commonwealth and Northern Territory Governments recommit to the Mutitjulu Working Together Project for the long term and that the project be evaluated and on the basis of the evaluation consideration be given to implementation of a similar project in other communities if appropriate; and
- immediate action be taken by governments to establish and adequately resource treatment and rehabilitation facilities suitable for petrol sniffers in the centre of Australia.⁵⁴

Western Australia 2004

1.60 In August 2004, the Western Australian Coroner, Mr Alastair Hope, reported on the deaths of two youths at Balgo Aboriginal Community.⁵⁵ Both died from hanging following petrol sniffing. The Coroner observed that suicide attempts were

51 Coroner Greg Cavanagh, 2005, para 64, p.33.

52 Coroner Greg Cavanagh, 2005, paras 36-37, p.20.

53 Coroner Greg Cavanagh, 2005, para 37, p.20.

54 Coroner Greg Cavanagh, 2005, paras 66-67, pp.34-35.

55 Coroner Alastair Hope, *Record of Investigation into Death of Owen James Gimme and Mervyn Milner*, Balgo, April 2004.

common in Balgo and petrol sniffing was widespread. The Coroner was in little doubt that young people turned to sniffing because of the depressing circumstances in which they lived: housing is overcrowded, unattractive, dirty and unhygienic; education standards are poor and there are no real jobs; young people had little scope to develop self-esteem; there is inadequate food; and the health standard of the community is poor compared to most other Aboriginal people across the State. The Coroner concluded:

Both of the young men were probably brain damaged as a result of petrol sniffing and the acute organic effect of their recent petrol sniffing would have left them at high risk in any environment. In the environment in which they found themselves, which was by any standards depressing, it is not surprising they took their own lives.⁵⁶

1.61 The Coroner noted that Avgas or Comgas had been supplied in other locations to address the problem of petrol sniffing. While Balgo and Mulan were both registered on the Comgas scheme 'regrettably it appears that none of this Commonwealth funding has found its way to the purchase of Comgas or Avgas for Balgo'. A fuel distributor in the Northern Territory had agreed to supply subsidised fuel to Balgo. However, the Coroner observed that petrol sniffers had demonstrated considerable ingenuity in obtaining petrol from vehicles visiting the community and other sources. As a result, it had not been possible to limit access to petrol in Balgo.⁵⁷

1.62 The Coroner drew a parallel between his findings and those of the South Australian Coroner in 2002 and commented that the problems described do not involve complex issues. Rather, what is complex is the mechanisms by which various government departments are seeking to address the problems:

If people have inadequate or poor quality food, then they need to be provided with more and better quality food. If they live in a dirty and unhygienic environment, then the environment needs to be cleaned up. These propositions seem to be simple and yet their achievement appears to have been beyond the capability of both Commonwealth and State Governments in spite of the provision of very considerable amounts of money for which is, in the context of Balgo, a relatively small number of persons.⁵⁸

1.63 The Coroner's recommendations addressed health issues such as the provision of nutritious food at the community store and cleaning up the community and repairing homes and the need for legislation to stop the importation of alcohol into dry communities. The Coroner also commented on the difficulties the community faced in effectively managing their community particularly given the complex funding arrangements and the number of organisations which provide services to the region:

56 Coroner Alastair Hope, 2004, p.29.

57 Coroner Alastair Hope, 2004, p.25.

58 Coroner Alastair Hope, 2004, p.30.

It must be recognised that Balgo Aboriginal Community only comprises about 500 persons, a number which would not be expected to have sufficient resources to be self governing in other areas of Australia, and that the elders are, themselves, victims of the problems discussed herein and are likely to suffer from poor health and have received little education.⁵⁹

Aboriginal and Torres Strait Islander Social Justice Commissioner

1.64 The Aboriginal and Torres Strait Islander Social Justice Commissioner's 2003 Social Justice Report reviewed the progress in responding to the recommendations of the 2002 South Australian Coronial Inquest.⁶⁰ The Commissioner found that there had been some response to the Coroner's call for action and for effective inter-governmental coordination 'but overall not enough'.⁶¹

1.65 Some positive initiatives had emerged such as the agreement to conduct a study of demographics in AP Lands and to explore coordination and sharing of facilities and programs across the Northern Territory, South Australia and Western Australia. However, communities on AP Lands expressed concern at the continuing piecemeal approach to petrol sniffing and the reluctance to act by governments in the twelve months following the Coronial Inquest. The Commissioner commented that governments cite the intractable nature of the issue and the need for appropriate consultation as reasons for the slow progress.

1.66 Concerns were also expressed that the discrete focus on petrol sniffing is potentially being obscured by the level of bureaucracy; under-resourcing of service delivery on the AP Lands was a barrier to achieving an outcome; the lack of a clear, long-term commitment to do whatever it takes to overcome the petrol sniffing problem or movement towards establishing benchmarks and targets towards this end; the absence of detoxification and other support services; and problems in placing youth-workers and a youth work coordinator. There have been positive developments relating to service delivery with an increased presence of correctional services officers, police and expansion of the community constable scheme as an interim measure.⁶²

1.67 The Commissioner commented that given the small size of the Anangu population, and the proportion of petrol sniffers within it, there were questions as to why has there been so little progress in addressing these problems, despite the plethora of governmental service delivery agencies and committees already in existence. The Commissioner stated that the Coronial Inquest had provided an opportunity to focus on these issues:

59 Coroner Alastair Hope, 2004, p.34.

60 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2003*.

61 Aboriginal and Torres Strait Islander Social Justice Commissioner, p.150.

62 Aboriginal and Torres Strait Islander Social Justice Commissioner, p.151.

They should not be allowed, like the recommendations of so many other reports, to drift away unheeded. Instead, Coroner Chivell's recommendations should be capitalised on as the basis for a blueprint for a long-term sustained, comprehensive strategic plan for tackling these issues – even if some aspects of his recommendations are ultimately superseded by better alternatives decided at the local level.⁶³

1.68 The Commissioner went on to question how governments were approaching the problems of petrol sniffing:

The uncomfortable question which Indigenous petrol sniffing on the AP Lands raises is whether the structures of bureaucracy and the ways governments do business need to be radically altered: if not, will serious human rights issues such as petrol sniffing confronting Indigenous people keep on falling through the cracks?⁶⁴

Committee comment

1.69 The overview above highlights that for more than twenty years petrol sniffing has been the subject of many reports, reviews, coronial inquiries and research projects. There has been constancy between all these. The reasons why young Indigenous people sniff petrol, the disruptive impact on Indigenous communities, and the severe health implications for individuals are well known and have been repeatedly addressed in reports. Various solutions have been identified and remedial actions proposed, yet young Indigenous people are still sniffing and still dying.

1.70 A witness to the inquiry summed up this depressing situation:

The story of petrol sniffing, as you are aware, is characterised in Australia by a series of inquiries and reports at national, state and local levels. Some interventions have been well reported, but many have not been well reported and have not been well evaluated, so the messages and the lessons learnt are lost.⁶⁵

1.71 The Committee does not want the recommendations of this report to be added to the already long list of recommendations that have been read, commented on but not fully implemented. It is time to effectively address the underlying causes of petrol sniffing through a sustained effort by all levels of government and through community commitment. The lessons learnt from successful programs must be heeded and implemented in other communities where petrol sniffing is killing Indigenous youth and disrupting the social fabric of communities.

1.72 The Committee considers that petrol sniffing in Indigenous communities is now so destructive and the need to find effective solutions is so urgent that the

63 Aboriginal and Torres Strait Islander Social Justice Commissioner, pp.152-53.

64 Aboriginal and Torres Strait Islander Social Justice Commissioner, p.153.

65 *Committee Hansard* 21.2.06, p.10 (Dr E Chalmers).

Council of Australian Governments (COAG) must take responsibility to monitor, evaluate and report on programs and initiatives that address petrol sniffing.

1.73 The Committee also considers that the recommendations of Royal Commission into Aboriginal Deaths in Custody and the recommendations made by the South Australian Coroner in his 2002 report on the deaths of Kunmanara Ken, Kunmanara Hunt and Kunmanara Thompson not implemented need to be identified and revisited. The recommendations provide an important framework for addressing many underlying problems which contribute to young Indigenous people turning to petrol sniffing.

Recommendation 1

1.74 That the Council of Australian Governments, as a matter of urgency, revisit the recommendations of the Royal Commission into Aboriginal Deaths in Custody in order to:

- **prioritise the recommendations that have not been implemented; and**
- **establish as a standard item on the COAG agenda the implementation of these recommendations.**

Recommendation 2

1.75 That the Council of Australian Governments, as a matter of urgency:

- **reaffirm petrol sniffing as a priority area under the National Framework of Principles for Delivering Services to Indigenous Australians; and**
- **establish a Standing Committee of COAG to monitor and evaluate programs addressing petrol sniffing and to report annually to COAG on progress.**

Recommendation 3

1.76 That the Aboriginal and Torres Strait Islander Social Justice Commissioner be funded to conduct a review of the implementation of the Royal Commission and Coroners' recommendations in 12 months time and every twelve months following until the Commissioner can report that the recommendations have been sufficiently addressed.

1.77 The Committee does not intend in this report to provide a voluminous description of the causes and impacts of petrol sniffing: they are still primarily the same as they were twenty years ago when the Senate Select Committee on Volatile Substance Fumes tabled its report in 1985. Rather, the Committee has provided, in chapter 2, a brief overview of causes and impacts to update research findings and to give a voice to those people the Committee heard from during its inquiry.

1.78 Chapter 3 of the report identifies the strategic approach which the Committee considers is necessary to address the problem of petrol sniffing. Much of this is not new and encapsulates many of the recommendations of the earlier inquiries and coronial inquests. Evidence received by the Committee constantly suggested the same

or similar solutions as those which had already been proposed. The remaining three chapters of the report examine the specific elements of this strategic approach: the effectiveness of laws and policing and their implementation particularly in respect of supply reduction (chapter 4); community-based solutions aimed at demand and harm reduction through diversionary programs (chapter 5); and the role of Opal fuel in supply reduction (chapter 6).

